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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 09/925,054 | 08/08/2001 | Werner Agne | A34363 (071308.0173) | 2633 |
| 7590 | 11/01/2004 | | EXAMINER | |
| ANDEAS GRUBERT BAKER BOTTS L.L.P. ONE SHELL PLAZA 910 LOUISIANA STREET HOUSTON, TX 77002-4995 | | | BAHTA, KIDEST | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2125 | |
| DATE MAILED: 11/01/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/925,054 | AGNE, WERNER | |
| | Examiner | Art Unit | |
| | Kidest Bahta | 2125 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Blumor et al. (U. S. patent 5,757,147).

Regarding claim 7, Blumor discloses a method of preventing damage to a machine (column 2, lines 35-43; column 7, lines 2-5) having at least one drive motor (Fig. 1, elements 2.1 to 2.N), an electrical power supply system for the motor and a motor drive controller for motor (column 3, lines 58-62) composing the steps of: monitoring the electrical power supply system for the presence and maintenance of the required quality of power (column 4, lines 36-54; i.e., the main control device 6 reads signals from each of the individual drive control devices 5.1 to 5.N the position transmitters 3.1 to 3.n and signal transmitters 4.1 to 4.N and then checks each of the present or absent of the signals and to determine if the device are functioning properly); detecting the present of an unwanted state of the power from the power supply system (column 2, lines 44-65; column 4, lines 55-65; column 6, lines 13-20 and 30-37), transmitting (Fig. 1, element 3.1 to 3.N and 4.1 to 4.N) an indication of the unwanted state in real time to the drive controller (column 2, lines 44-65; column 3, lines

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63-column 4, lines 13; column 4, lines 36-54, column 6, lines 21-37; i.e., the main control device 6 also continuously (in real-time) checks the serviceability of the individual drive control device 5.1 to 5.N in addition to the corresponding drive control device 6 also checks for a main power failure using a known power sensing device); the drive controller initiating a drive braking function for the motor, whereby the machine is slowed or brought to stand still (column 5, line 48 to column 6, line 37).

Regarding claim 8, Blumor discloses the machine has at least two drive motors (2.1 to 2.N) and a motor drive controller (5.1 to 5.N) for each motor (Fig. 1), one of the driver controllers having master functionality (Fig. 1, element 6, column 4, lines 14-20), the indication of unwanted state having been transmitted to the drive controller having master functionality (column 6, lines 36-48) further comprising the steps of synchronizing the operation of the at least two drive motors with each other (column 6, lines 5-13), and synchronizing the drive braking function (Fig. 1, element 1.1 to 1.N; drive control device or of the corresponding rectifier) of the motors in response to an unwanted power supply system state (column 1, lines 7-17; column 4, line 66 to column 5, line 15; column 6, lines 46-51).

Regarding claim 11, Blumor discloses a machine comprising at least two rotating machine elements (Fig. 1, element 1.1 to 1.N; column 6, lines 46-51); synchronizable individual drive controllers for one of the drive controllers having master function, each of the rotating machine element (abstract, column 1, lines 7-17, column 4, lines 14-28; column 5, lines 51-64; column 6, lines 5-13); an electrical power supply system for the machine element (column 3, lines 58-62; column 4, lines 49-53; column 6, lines 14-16

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and lines 52-56); a monitor for detecting an unwanted state of the power system (column 4, lines 49-53; column 36-54; column 2, lines 44-65; column 4, lines 55-65; column 6, lines 13-20 and 30-37; i.e., the main control device 6 also continuously checks the serviceability of the individual drive control device 5.1 to 5.N in addition to the corresponding drive control device 6 also checks for a main power failure using a known power sensing device.); a data communication system (3.1 to 3.N and 4.1 to 4.N, i.e., signal transmitters) for transmitting an indication of an unwanted power supply system state to the drive controller having master functionality (column 2, lines 44-65; column 3, lines 63-column 4, lines 13; column 4, lines 36-48, column 6, lines 21-37); the controller having master function communicating the indication to all other driver controllers (column 3, lines 30-32; column 4, lines 14-35 and 49-51; i.e., the main control 6 control the position of the axles of the individual motors 2.1 to 2.N via the individual driver controls 5.1 to 5.); braking means (column 6, lines 46-51) for each of the rotating machine element responsive to their respective drive controllers for synchronously slowing rotation of the machine element and bringing them to standstill (abstract; column 2, lines 44-65; column 5, lines 2-15 and column 51-64; column 13-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumor et al. (U. S. Patent 5,757,147) in view of Hamilton et al. (U. S. Patent 6,437,963).

Regarding claims 9-10 and 12, Blumor discloses the limitations of claims 7, 8 and 11 as stated above in Par. 5. In addition, Blumor discloses the machine is a printing machine (title, abstract, column 1, lines 7-10); transmitting an unwanted system state in real time to the drive controller having master functionality (Fig. 1; column 4, lines 14-26 and lines 41-53; column 5, line 34 to column 6, lines 10) and providing this information to other drive controllers via a real-time cross communication (column 4, lines 27-35).

However, Blumor fails to disclose the data communication system comprises Ethernet.

Hamilton discloses the data communication system comprises using a real-time Ethernet (column 3, lines 5-8; column 5; lines 49-55; column 9, lines 38-50; i.e., serial communication channels, Ethernet interface or other suitable arrangement).

It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the teaching of preventing damage to a machine as taught by Blumor with the method of using a real time Ethernet as suggested by Hamilton in order to provide various desired working parameters such as power supply intensity, fault

level and various important status and information displays to the user through user interface by using Ethernet interface.

Response to Arguments

5. Applicant's arguments filed 7/12/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a machine that measures the network quality and this triggering place even if the energy supply is still present) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703) 308-6306 or 308-6296. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta



October 29, 2004